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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,436	05/16/2001	Rachad Alao	OTV-1004-US	2488

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EXAMINER	
USTARIS, JOSEPH G	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/858,436	ALAO ET AL.	
	Examiner	Art Unit	
	Joseph G. Ustaris	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *22-29* is/are allowed.

6)☒ Claim(s) *1-3,6-12,14 and 16-20* is/are rejected.

7)☒ Claim(s) *4,5,13,15 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated November 20, 2006 in application 09/858,436.

The objection to claims 1, 13, 17, 20, 21, 22, 23, 27, 28, and 29 is now withdrawn in view of the amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Bartholomew et al. (5,712,903).

Regarding claim 1, Bum discloses a service gateway (See Fig. 1, gateway 12) residing in a server at a head end operator (See Fig. 1, D-CATV head end 10) for providing communication between a plurality of service providers (See Fig. 1; col. 3 lines 29-42, Internet service and satellite service) and a plurality of applications running on a plurality of head end operator client devices (See Figs. 1 and 2, settop box 40 and PC 50; col. 4 lines 7-22, e.g. Web browser and VOD application) comprising:

a server for communication between the service providers and the client devices (See Fig. 1; D-CATV head end 10 or VOD center 20);

an application level meta language for communication between client applications and service providers (e.g. the Internet requests and VOD requests) (See Fig. 1; col. 4 lines 7-22);

a communication link between the client devices and the server (e.g. the D-CATV head end) for transmission of messages between the client devices and the service gateway (See Fig. 1, network 30);

a transport protocol process residing in the client device for sending a transport level message encapsulating the meta language to a service provider (e.g. the TCP/IP packets that encapsulates the Internet requests and VOD requests) (See Fig. 1; col. 4 lines 23-54);

and a conversion function for converting the client's message from the transport level protocol (e.g. TCP/IP packets) into a standard protocol (e.g. ATM packets) for transmission to the service provider over the communication link (See col. 4 lines 44-50).

However, Bum does not disclose converting into a plurality of standard protocols.

Bartholomew et al. (Bartholomew) discloses a video distribution system (See Fig. 9). Bartholomew discloses that the system is able to convent one protocol into a plurality of standard protocols (e.g. SONET, SMDS, T1, and ADSL) (See col. 15 lines 44-57). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to be able to convert into a plurality of standard protocols, as taught by Bartholomew, in order to

expand the capabilities of the system thereby making the system compatible with other types of networks (See Bartholomew col. 16 lines 1-6).

Regarding claim 2, a transcoder for converting content received from a service provider into a format suitable for display on the client device (See Bum Fig. 2, user interface controller 88 and Video output unit 76).

Regarding claim 3, Bum in view of Bartholomew does not disclose compressing data and sending the compressed data to a service provider.

Official Notice is taken that it is well known in the art to compress data for transmission. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to compress data received from a client and send the compressed data to a service provider in order to reduce the amount of bandwidth needed to send data.

Regarding claim 6, a data name service for resolving a service identifier of an application server for a client process identifying a service in a transport communication protocol message (e.g. the VC header of the packet includes service information in order to identify Internet packets from VOD packets) (See Bum col. 4 lines 1-20).

Regarding claim 7, Bum in view of Bartholomew does not disclose encrypting data.

Official Notice is taken that it is well known in the art to encrypt data for transmission. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of

Bartholomew to encrypt each fragment of a transport level message in order to protect the information contained within the message.

Regarding claim 8, Bum in view of Bartholomew does not disclose a business filter associated with a client to select information to be captured from a broadcast data stream for the client based on at least one of the following: client preferences, viewer profiles or transaction history.

Official Notice is taken that it is well known in the art to create user profiles that client to select information to be captured. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to have a filter associated with a client to select information to be captured from a broadcast data stream for the client based on at least one of the following: client preferences, viewer profiles or transaction history in order to expand the capabilities of the system and providing more services and convenience to the user.

Regarding claim 9, Bum in view of Bartholomew does not disclose an offline viewer identification function which enables offline viewer payment.

Official Notice is taken that it is well known in the art to have a function that enables offline viewer payment. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to include a function which enables offline viewer payment in order to expand the capabilities of the system and providing more

convenience to the user by allowing the user to make payments in person, on the phone, or by mail.

Regarding claim 10, Bum in view of Bartholomew does not disclose an offline order form.

Official Notice is taken that it is well known in the art to have an offline order form (e.g. paper catalog). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to include an offline order form in order to expand the capabilities of the system and providing more convenience to the user by allowing the user to place orders in person, on the phone, or by mail.

Regarding claim 14, wherein the service gateway creates a session identifier derived from a hardware identifier and inserts a session identifier in place of the hardware identifier into each communication between a client and a service provider (e.g. the VC header of the packet includes session information in order to determine if the packets are delivered to the settop box or PC) (See Bum col. 4 lines 1-20).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Bartholomew et al. (5,712,903) as applied to claims 1-3, 6-10, and 14 above, and further in view of Panabaker (US 20030023970A1).

Bum discloses a store and forward library (See Fig. 1, VOD center 20). However, Bum in view of Bartholomew does not disclose a delivery timing constraints comprising "as soon as possible", "when connected", "after a random period of time", "after a set

period of time", "after a specified occurrence, event or message" and "spread stored messages over available time and bandwidth".

Panabaker discloses an interactive television system that delivers data down to the client. Panabaker discloses that the data is sent down according to a timeline or delivery timing constraints comprising "as soon as possible", "when connected", "after a random period of time", "after a set period of time", "after a specified occurrence, event or message" and "spread stored messages over available time and bandwidth" (See paragraphs 0077-0078). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to have delivery timing constraints comprising "as soon as possible", "when connected", "after a random period of time", "after a set period of time", "after a specified occurrence, event or message" and "spread stored messages over available time and bandwidth", as taught by Panabaker, in order to enable the system to have a means of organizing the delivery of contents.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Bartholomew et al. (5,712,903) as applied to claims 1-3, 6-10, and 14 above, and further in view of Ueda (US005973680A).

Bum in view of Bartholomew does not disclose a message from a client indicating the client's available memory and the service gateway checks incoming messages directed to the client to determine that the available memory is sufficient to receive the message before forwarding the message to the client.

Ueda discloses a motion picture retrieval system. Ueda discloses that the system receives a message from a client indicating the client's available memory and the service gateway checks incoming messages (e.g. motion picture codes) directed to the client to determine that the available memory is sufficient to receive the message before forwarding the message to the client (See col. 8 lines 19-29). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to receive a message from a client indicating the client's available memory and the service gateway checks incoming messages directed to the client to determine that the available memory is sufficient to receive the message before forwarding the message to the client, as taught by Ueda, in order to ensure that the terminal is able to store the message thereby efficiently utilizing the bandwidth available on the network.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Bartholomew et al. (5,712,903) as applied to claims 1-3, 6-10, and 14 above, and further in view of Horiwitz et al. (US006785901B1).

Bum in view of Bartholomew does not disclose authentication function for multiple users at a single client with multiple users, through nicknames, personal identifiers and client hardware identifier (HID).

Horiwitz et al. (Horiwitz) discloses a Web TV system. Horiwitz discloses a settop box that utilizes an authentication function for multiple users at a single client with multiple users, through nicknames, personal identifiers and client hardware identifier

(HID) (See Fig. 6; col. 10 lines 45-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to include an authentication function for multiple users at a single client with multiple users, through nicknames, personal identifiers and client hardware identifier (HID), as taught by Horiwitz, in order to expand the capabilities of the system and to provide an efficient means of distinguishing one user from another.

Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Bartholomew et al. (5,712,903) as applied to claims 1-3, 6-10, and 14 above, and further in view of Herz et al. (US005835087A).

Regarding claim 17, Bum in view of Bartholomew does not disclose business agents that control transactions and control access by the service provider to user information.

Herz et al. (Herz) discloses an electronic media system. Herz discloses that the system utilizes business agents that control transactions and control access by the service provider to user information (See col. 5 lines 52-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew to include business agents that control transactions and control access by the service provider to user information, as taught by Herz, in order to expand the capabilities of the system and to protect the true identity of the users.

Regarding claim 18, business agents which insert, replace and delete client identification information from a message from a client to a service provider during a transaction, thereby hiding the identity of the client from the service provider (See Herz col. 5 lines 55-67).

Regarding claim 19, wherein the amount and type of client business information provided to a service provider, is guided by business rules depending on an agreement between the service provider and a network operator (e.g. purchasing information from the proxy server) (See Herz col. 5 lines 55-67).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Bartholomew et al. (5,712,903) and Herz et al. (US005835087A) as applied to claims 17-19 above, and further in view of Eldering et al. (US006820277B1).

Bum in view of Bartholomew and Herz discloses business agents that control access to user information as discussed in claim 17 above. However, Bum in view of Bartholomew and Herz does not disclose that the business agent provides default values.

Eldering et al. (Eldering) discloses a digital video system with an advertising management system. Eldering discloses that agents provide default values (See col. 6 line 46 – col. 7 line 10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Bartholomew and Herz to have agents provide default values, as taught by

Eldering, in order to give the operator more options when maintaining profiles thereby producing profiles with valuable information to marketers/advertisers.

Allowable Subject Matter

3. Claims 22-29 are allowed.

Claims 4, 5, 13, 15, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments, see pages 9-13, filed November 20, 2006, with respect to the rejection(s) of claim(s) 1, 2, 6, and 14 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bum (US006285685B1) in view of Bartholomew et al. (5,712,903).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGU
January 16, 2007

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